

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LARRY W. MABRY,

Plaintiff,

v.

AMERIQUEST MORTGAGE CO., et al.,

Defendants.

Case No. 09-cv-12154

HONORABLE STEPHEN J. MURPHY, III

ORDER ADOPTING REPORT AND RECOMMENDATION (docket no. 65) **AND**
GRANTING DEUTSCHE BANK AND AHMSI'S MOTION TO DISMISS OR
ALTERNATIVELY FOR SUMMARY JUDGMENT (docket no. 59)

In this action concerning a mortgage foreclosure, Larry Mabry asserted FDCPA, intentional infliction of emotional distress ("IIED"), and Fourteenth Amendment claims against a number of financial institutions handling his mortgage. The case has been referred to a magistrate judge for all pretrial proceedings. All of the parties, save two — Deutsche Bank National Trust Co. ("Deutsche Bank") and American Home Mortgage Servicing, Inc. ("AHMSI") — have been dismissed from this case. Deutsche Bank and AHMSI have now moved for dismissal or summary judgment of the claims against them. The magistrate judge recommended granting the motion in a report filed August 12, 2011. Mabry has not objected to the report. The Court will adopt the recommendation, grant the requested relief, and dismiss this case.

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is only required if the parties "serve and file specific written objections to the proposed findings and recommendations" within fourteen days of the filing of the report. Fed. R. Civ. P. 72(b)(2). Nevertheless, because a district judge always retains jurisdiction over a motion after referring it to a magistrate

judge, he is entitled to review the magistrate judge's findings of fact and conclusions of law on his own initiative. See *Thomas v. Arn*, 474 U.S. 140, 154 (1985) (clarifying that while a district court judge need not review a report and recommendation “de novo if no objections are filed, it does not preclude further review by the district judge, sua sponte or at the request of a party, under a de novo or any other standard”).

Mabry did not file objections to the magistrate judge's report, and therefore, the Court is under no obligation to perform a de novo review of the report's findings. Nonetheless, the Court has reviewed the report, and concludes that its findings are factually and legally sound. Accordingly, it will grant the requested relief as recommended in the report.

WHEREFORE, it is hereby **ORDERED** that the magistrate judge's report and recommendation (docket no. 65) is **ADOPTED**.

IT IS FURTHER ORDERED that the motion for summary judgment filed by Deutsche Bank and AHMSI (docket no. 59) is **GRANTED**.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: September 7, 2011

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 7, 2011, by electronic and/or ordinary mail.

Carol Cohron
Case Manager